

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL P. ISAACSON)	<u>TRIAL BY JURY REQUESTED</u>
)	
Plaintiff,)	Civil Case No.: 08CV1536
)	
vs.)	
)	
SABA & ASSOCIATES)	Magistrate Judge: Valdez
Defendant.)	
)	

MOTION TO EXTEND TIME FOR SERVICE UNDER FRCP 4(M)

NOW COMES the Plaintiff, DANIEL P. ISAACSON, by and through his attorney of record, ROZOVICS LAW FIRM, LLC, and respectfully asks this Court to extend the time for service under FRCP 4(M), and in support thereof, states as follows:

1. On March 14, 2008 Plaintiff filed a Complaint against Saba & Associates for violation of the Fair Debt Collections Practices Act, 15 U.S.C. 1692, violation of Right of Privacy, Intentional Infliction of Emotional Distress, and Defamation Per Se. A summons was issued the same date.

2. Federal Rule of Civil Procedure 4(m) specifies the deadline for service as follows:
If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service shall be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

3. The 120 day time period for service of summons expired on Saturday, July 12, 2008, but extended to Monday, July 14, 2008, pursuant to Federal Rule 6(a).

4. As indicated in the attached declaration, Plaintiff has good cause for extension of the time for service, since a) Plaintiff has already begun to make efforts to serve Defendant through its registered agent in Washington, b) Plaintiff is engaged in settlement negotiations with Defendant, and c) although Defendant initially refused to waive service, Defendant has now agreed to waive service if settlement cannot be reached between the parties.

WHEREFORE, Plaintiff, DANIEL P. ISAACSON, respectfully requests this Court extend the time for service of summons by 90 days, or until November 11, 2008.

Respectfully Submitted,
ROZOVICS LAW FIRM, LLC

By: /s/ Michelle J. Rozovics
Attorney for Plaintiff

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DECLARATION

I, MICHELLE J. ROZOVICS, declare under penalty of perjury that I am over 18 years old, competent to testify, and that the following is based upon my personal knowledge:

1. I am an attorney with the Rozovics Law Firm, LLC, and am Daniel P. Isaacson's attorney of record in the above-captioned matter.
2. After filing this case on March 14, 2008, I promptly sent a Request for Waiver of Service to the Defendant on March 17, 2008. Defendant did not initially agree to the waiver of service.
3. After being unable to obtain a waiver of service by Defendant, I obtained a process server in Kitsap County, Washington (ABC Process Server) which attempted to serve the Defendant throughout May 2008. Defendant appeared to be resisting service, and we worked with the process server to find alternative methods by which they could complete service.
4. In late May 2008 I received multiple communications from counsel for Saba & Associates. I discussed with counsel the possibility of settlement, and he agreed that, if we were unable to reach a settlement agreement, his client would file an appearance in this case.
5. I am continuing settlement negotiations on this matter, and hope to know soon whether a settlement will be concluded.

Under penalties as provided by law in the State of Illinois, I certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Michelle J. Rozovics

Date